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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,934	11/30/2000	Shun-ichi Ishikawa	Q61635	2881

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EXAMINER

GIBBS, HEATHER D

ART UNIT PAPER NUMBER

2622

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/725,934

Applicant(s)

ISHIKAWA ET AL.

Examiner

Heather D Gibbs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 and 28 is/are allowed.
- 6) ☒ Claim(s) 1-21, 23-27 and 29-41 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 8, 9, 11-14, 18-21, 23-27 and 30-33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 30 November 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2, 4-5</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Specification

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3,6,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,519,510).

Considering claim 1, which is representative of claim 6 and 15, Edgar teaches of a method of reading an image, which comprises steps of: exposing a color photosensitive material having at least three photosensitive layers containing blue-, green, and red-photosensitive silver halide emulsions, respectively, on a transparent support (Col 8 Lines 14-24;Fig 9); processing the exposed color photosensitive material 10 (Col 2 Lines 50-58); and reading the silver image (Col 8 Lines 1-13).

Edgar does not specifically teach of processing the exposed photosensitive material at a processing temperature of 50° C or more to form a silver image; and reading the silver image.

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Processing the temperature at of 50° C or more to form a silver image as obvious matter of design choice. The claimed invention does not disclose that the temperature provides an advantage, is used for a particular purpose, or solves a stated problem.

Considering claim 2, Edgar teaches wherein 60% or more of the density of the image is based on the developed silver (Col 4 Lines 14-26). [Silver image films always show an increase along with density].

Regarding claim 3, Edgar teaches wherein color photosensitive material includes a developing agent (Col 6 Lines 57-63) [developing bath].

4. Claims 7-8,10-14,16-19,23,25-26,29,31-32,34-35,37-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,519,510) in view of Morton (US 5,639,580).

Regarding claim 7, which is representative of claims 10-11,16-17,23,29,34-35,38-40, Edgar teaches a method of forming a color image, which comprises the steps of: subjecting an exposed silver halide color photosensitive material to development processing (Col 6 Lines 57-63); reading image information photo electrically from the obtained image (Col 8 Lines 1-13); and converting the read image information into electrical digital image information (Col 6 Lines 66-67; Col 7 Lines 1-11; Fig 5B), wherein (2) the reading of image information comprises photoelectric reading of a first image by using light reflected from and photoelectric reading of a second image information by light transmitted through the processed silver halide photosensitive material, and (3) the read first and second image information is converted into electrical blue, green, and red digital image (Col 8 Lines 14-24; Fig 9).

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Edgar does not explicitly teach (1) the silver halide color photosensitive material contains a decolorizable anti-halation dye.

Morton teaches wherein the silver halide color photosensitive material contains a decolorizable anti-halation dye (Col 8 Lines 63-67; Col 9 Lines 1-7).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Edgar's method in the method of Morton. Edgar's method would easily be modified to include the method of Morton as both systems share cumulative features making them additive in nature.

Considering claim 8, which is representative of claims 12, 18, 25, 31, 38, Edgar teaches wherein said electrical blue, green, and red digital image information obtained by conversion of the first and second image information is subjected to image processing and the image-processed digital image information is outputted to a printer (Col 3 Lines 63-67; Col 4 Lines 1-4).

Regarding claim 13, which is representative of claims 19, 26, 32, Edgar teaches wherein said first image information includes two kinds of image information comprising the image information recorded on a lowermost photosensitive layer read from the back side of the photosensitive material and the image information recorded on an uppermost photosensitive layer read from the front side of the photosensitive material (Col 8 Lines 1-13).

Regarding claim 14, Edgar teaches wherein the light for reading the first image information is an infrared radiation (Col 6 Lines 25-29).

Regarding claim 37, Edgar teaches wherein an exposed silver halide color photosensitive material is subjected to development process and then to clarification

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process, and successively the image information is photo electrically read from the obtained image (Col 8 Lines 25-56).

Considering claim 39, Edgar teaches wherein the developing agent contained in the developing agent-containing solution is a color-developing agent (Col 8 Lines 14-17).

Regarding claim 41, Edgar teaches wherein the heating device is controlled such that the surface temperature of the color photosensitive material is 50°C or more to 90°C or less. This also is obvious as it pertains to design choice. See reasoning above.

5. Claims 20,27,33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,519,510) in view of Morton (US 5,639,580) and further in view of Yoshikawa (US 5,081,526).

Considering Claim 20, which is representative of claims 27,33, Edgar and Morton teach of the method as discussed above in claim 17, but fail to particularly point out wherein the development process to which the silver halide color photosensitive material is subjected is black and white development, and the second image information is an image information obtained by reading light transmitted through the processed photosensitive material on which superposed images are formed on three layers comprising a lowermost photosensitive layer, an uppermost photosensitive layer, and an intermediate photosensitive layer.

Yoshikawa teaches wherein the development process to which the silver halide color photosensitive material is subjected is black and white development, and the second image information is an image information obtained by reading light transmitted through the processed photosensitive material on which superposed images are formed on three layers

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comprising a lowermost photosensitive layer, an uppermost photosensitive layer, and an intermediate photosensitive layer (Col 1 Lines 48-67; Col 2 Lines 1-4).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Edgar and Morton's method in the method of Yoshikawa as both systems share cumulative features making them additive in nature.

6. Claims 24,30,36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edgar (US 5,519,510) in view of Morton (US 5,639,580) as applied to claim 23 above, and further in view of Cottrell et al (US 5,408,447).

Considering claim 24, which is representative of claims 30,36, Edgar and Morton teach of the method as discussed above in claim 23, but fail to particularly point out wherein the silver halide color photosensitive material has a support mainly made from polyester.

Cottrell teaches wherein the silver halide color photosensitive material has a support mainly made from polyester (Col 7 Lines 39-59; Fig 2).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Edgar and Morton's method in the method of Cottrell as both systems share cumulative features making them additive in nature.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 7,10,17,22-23,29, recite the limitation "the first image" and "the second image" and "the read first". There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

9. Claims 4-5,9,21,23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Claims 22,28 are allowed.

11. Claims 8-9,11-14,18-21,24-27,30-33 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

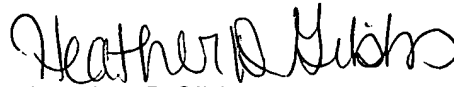
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D Gibbs whose telephone number is 703-306-4152. The examiner can normally be reached on M-F 8AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Heather D Gibbs
Examiner
Art Unit 2622

hdg



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